DECLARATION OF BRIAN L. BROMBERG IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND OTHER DISCRETIONARY COSTS UNDER 42 U.S.C. § 1988 AND FED. R. CIV. P. 54(d)(2)

I, Brian Bromberg, declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true:

1.   I respectfully submit this declaration in support of plaintiff's application, under 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2), for an order awarding plaintiff's counsel attorneys' fees as the prevailing party in this litigation.

2.   I am the president of Bromberg Law Office, P.C. I maintain my law offices at 352 Rutland Road #1, Brooklyn, NY 11225. I am a 1991 graduate of Brooklyn Law School. Before starting my own practice, which I have operated since October 2001, I worked as an associate at the Law Office of Peter Marc Stern, a small general practice.

3.   From 2001 to the present, I have focused my practice almost exclusively on individual and class-action cases for plaintiffs filed under the various state and federal consumer-protection statutes, civil rights statutes, and employee-protection statutes.

4.   My civil-rights cases have been based primarily on allegations of police misconduct.

5.   In matters involving claims of police misconduct and otherwise, my clients are overwhelmingly unable to afford the services of a lawyer on an hourly basis. Few if any have enough money to pay even a minimal retainer. I take these cases on a contingency basis, and am compensated based on a portion of any judgment or settlement obtained, or through fee petitions.

6.   The simplest civil rights case is by its nature complex and is always a difficult and risky undertaking. In fact, because of the risk involved in taking such cases, I do not know too many lawyers who are willing to devote a substantial part of their practice to civil rights litigation.

7.   I have known one of plaintiff's counsel, Evan Brustein, for approximately five years, and have worked closely with him over that period, particularly over the past four years as my co-counsel in the cases of *Staley, et al. v Four Seasons Hotels and Resorts, et al.,* 22 Civ. 6781(JSR), *Dominguez v City of New York, et al.,* (21 Civ. 2302 (KPF), and *A.W. v. New York City Department of Education, et al.,* 19 Civ. 7011(MKB) (MMH).

8.   *Staley* resulted in an important decision declining a motion to compel arbitration and to strike class claims. *See Staley v. Hotel 57 Services, LLC*, No. 22 Civ. 6781, __ F.Supp.3d __, 2023 WL 4339678 (S.D.N.Y. July 5, 2023) (appeal pending).

9.   *A.W.* has resulted in important decisions allowing the pursuit of damages against the New York Department of Education for the use of corporal punishment against an autistic teenager by a paraprofessional. *A.W. v. New York Department of Education*, 519 F.Supp.3d 128 (2021) (denying a motion to dismiss); *A.W. v. New York Department of Education*, No. 19 Civ. 7011, ___ F.Supp.3d ___, 2023 WL 7485182 (E.D.N.Y. Nov. 13, 2023).

10.   In these cases, Mr. Brustein has been both diligent and skilled in the work that he has performed on behalf of our mutual clients. His work has been exemplary, and his involvement in the cases has enhanced the representation and

the prospects of success for our clients.

11.   Mr. Brustein and I regularly discuss prospective cases and issues regarding civil-rights litigation. Through the course of these conversations and based upon my professional relationship with him it is fair to say that he has a keen ability to evaluate the strengths and weaknesses of cases, to determine damages, and devises creative and appropriate approaches to litigation.

12.   Mr. Brustein's rate of $550 an hour is in keeping with prevailing market rates for lawyers of comparable skill and experience in the field. Mr. Brustein has accumulated considerable knowledge and skill in the field of police misconduct litigation and this represents a minimally fair and reasonable rate for an attorney with Mr. Brustein's experience and competence.

Dated: Brooklyn, New York
            December 4, 2023

                                        /s/ *Brian L. Bromberg*
                                        Brian L. Bromberg